

NEWS RELEASE

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For Immediate Release

November 9, 2006

HARRISBURG MAN SENTENCED IN MINE SAFETY CASE

Randy G. Massey, Acting United States Attorney for the Southern District of Illinois, announced today that on November 9, 2006, **LESTER ROBERT ERB, JR.**, age 49, formerly of Harrisburg, IL, was sentenced in the United States District Court in Benton, Illinois. ERB, JR. was sentenced to 36 months imprisonment, was fined \$10,000, and was placed on 2 years supervised release.

ERB, JR., had previously been convicted by a jury on five counts in a federal indictment. Counts 1, 2, and 3 of the Indictment charged ERB, JR., with making or using false Mine Safety and Health Administration ("MSHA") Certificate of Training forms in violation of federal law. Counts 4 and 5 of the Indictment charged ERB, JR., with making material false statements and representations to employees of the MSHA in violation of federal law.

According to evidence presented at trial, this case arose out of the April 9, 2003, death of coal miner Adam Scott and the subsequent investigation into the cause of his death. Mr. Scott was buried under 15 tons of coal after his poorly maintained, company-owned dump truck's brakes failed and the truck rolled over. Mr. Scott was thrown from the vehicle which did not have seat belts. He was pinned under the truck and the load of coal fell on top of him. A subsequent investigation by MSHA discovered numerous mechanical and other problems with the truck including, among other things: a significant leak in the service brake air line; black electrical tape had been applied to cover a hole in the brake air line; neither the parking brake nor the service brake would hold the truck on the ramp where it was being operated; the truck floor board had deteriorated to the extent that the brake pedal was not securely fastened to the floor board; there were no seat belts in the truck; the

truck was difficult to steer and to shift; and the locking mechanism on the driver's door was missing so the door would not stay closed.

On April 11, April 17, and April 18, 2003, hearings were held by MSHA officials to help determine the cause of the accident which resulted in Adam Scott's death. During those hearings, ERB JR., made false statements to the MSHA investigators and specialists regarding material matters under their investigation, including the condition of the truck.

Two co-defendants were previously sentenced.

Richard E. Stickler, Assistant Secretary of Labor for Mine Safety and Health Administration, said: 'The sentencing of Lester Erb, Jr., sends a strong message that we will pursue all appropriate avenues against those who violate the health and safety laws protecting our nation's miners.'

The investigation in this case was conducted by the Mine Safety and Health Administration and the Illinois Department of Natural Resources, Office of Mines and Minerals.

The case was prosecuted by Assistant United States Attorneys George Norwood and Jim Cutchin.